REMARKS

Claims 1-5, 8-12, 14-17, 20-23, 35 and 37-39 are now pending, with claims 1, 12 and 35 being the independent claims. Claims 6, 7, 18, 19, 24-34 and 36 have been canceled. Claim 1 has been amended to incorporate the subject matter of claims 6 and 7. Claims 1, 8, 12, 20, 21, 35 and 37-39 have been amended. Claim 12 has been amended to incorporate the subject matter of claims 18 and 19. Claim 35 has been amended to incorporate the subject matter of claim 36. No new matter has been added. Reconsideration of the application, in view of the following remarks, is respectfully requested.

Claim 21 has been amended to overcome the objection thereto.

In the Office Action dated January 3, 2006, independent claims 1, 12, 24 and 29, and dependent claims 2-6, 11, 14-18, 23, 25, 26, 28-32 and 34 were rejected under 35 U.S.C. §102(e) as clearly anticipated by U.S. Patent No. 6,119,014 (*"Alperovich"*), while dependent claims 7-9 and 19-21 were rejected under 35 U.S.C. §103(a) as unpatentable over *Alperovich* in view of U.S. Patent No. 6,289,223 (*"Mukherjee"*). For the following reasons, it is respectfully submitted that all claims of the present application are patentable over the cited references.

Independent claims 1, 12 and 36 have been amended such that they are now directed to the feature wherein only certain originators of received messages are allowed to receive a delivery report.

The Office Action (pg. 3) states:

> Alperovich discloses deciding whether the originator of said message is permitted to receive a delivery report (e.g. failure report) (e.g. deciding whether the message was delivered); and transmitting said delivery report to the originator of said message only when said originator of said message is permitted [to receive] the delivery report (e.g. when the message was not delivered) (col. 2, line 20 - col. 3, line 11).

Alperovich fails to teach the invention recited in amended independent claim 1. *Alperovich* relates to telecommunications systems and methods for organizing SMS messages sent to a mobile terminal based on, for example, the time of delivery of the SMS messages (see col. 3, lines 27-30).

Alperovich (col. 2, lines 23-28) states "the mobile terminated SMS 210 transfers a short message from the Service Center 220 to the MS 200. In addition, information about the delivery of the short message is returned to the Service Center 220". *Alperovich* (col. 2, lines 23-28) further states, "this information is either a delivery report, which confirms the delivery of the message to a recipient, or a failure report, which informs the originator that the short message

was not delivered and the reason why. If the information is a failure report, the originator has the ability to order retransmission later". Thus, *Alperovich* teaches that delivery reports are sent to an originator who then has the ability to request the retransmission of a failed SMS transmission. However, there is nothing with respect to limiting sending the delivery report to only the originator of a message that is permitted to receive the delivery report.

Alperovich (col. 2, lines 29-47) teaches the flow path of SMS messages. *Alperovich* (col. 2, lines 48-63) teaches the conditions under which failure reports are sent. *Alperovich* (col. 2, lines 64 thru col. 3, line 11) teaches the conditions under which a failure report is sent to a service center 220 when a mobile originated SMS message is submitted by a mobile station to the Service Center 220. However, there is nothing in these sections of *Alperovich* with respect to sending failure reports to only those originators that are permitted to receive the failure reports. Thus, *Alperovich* (col. 2, line 20 thru col. 3, line 11) merely teaches that delivery reports may be sent. However, there is no teaching that the step of "transmitting [a] delivery report to the originator of [a] message only when [the] originator of [the] message is permitted to receive the delivery report" is performed, as recited in amended independent claim 1. *Alperovich* fails to even mention that reports should or could even be restricted for some originators of messages. Consequently, *Alperovich* fails to teach the invention set forth in amended independent method claim 1 and therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) is in order, and a notice to that effect is earnestly solicited.

Independent claim 1 has also been amended to include the limitation recited in claim 7 (now cancelled, i.e., "wherein a list of originators of messages which are permitted to receive delivery reports is stored in a database". The Examiner acknowledges *Alperovich* fails to teach or suggest storing a list of originators of messages in a database. *Mukherjee* has been cited to provide what *Alperovich* lacks. However, *Mukherjee* fails to cure the deficiencies of *Alperovich*. *Mukherjee* relates to a system and method that enables the transmission of SMS messages to select multipoint addressees from a single point of origination (see col. 1, line 66 thru col. 2, line 1). *Mukherjee* (Abstract) teaches that multipoint short message service (SMS) messages are sent, and that these messages are delivered to a plurality of users. In this regard, *Mukherjee* (e.g., col. 4, lines 7-9 and lines 17-24) teaches that originators of such multipoint SMS messages require authorization to send the SMS messages. Further, *Mukherjee* (col. 6, lines 17-20) teaches a failure report is sent to an originating mobile station that is not authorized to send such a multipoint SMS message.

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On the other hand, regarding sending multipoint SMS messages, *Mukherjee* (col. 6, lines 21-30) teaches that the multipoint SMS message is sent to a corresponding usergroup when there are no user restrictions. However, *Mukherjee* fails to teach anything with respect to the actual delivery of the SMS messages. *Mukherjee* teaches that if the delivery of the message is successful, the report is sent to the originating mobile station. That is, the delivery report is sent anyway. Thus, *Mukherjee* fails to teach or suggest that the sending of delivery reports should or could even be restricted. Put differently, *Mukherjee* fails to teach or suggest the step of "transmitting [a] delivery report to the originator of [a] message only when [the] originator of [the] message is permitted to receive the delivery report," as recited in amended independent claim 1.

Moreover, the combination of *Alperovich* and *Mukherjee* fails to describe the underlying problem that is solved by the present claimed invention. The method recited in independent claim 1 makes it possible to avoid revealing the location of a user to every originator of a message, for example. Such an event can occur when the user has sent a multimedia message based on the location of the user, which is described at pg. 6 of the specification. By this feature, it is possible to prevent some originators from receiving the delivery report. As a result, the privacy of the user is enhanced. *Alperovich* and *Mukherjee* are silent with respect to such a feature. In view of the foregoing, amended independent method claim 1 is patentable over *Alperovich*, either individually or in combination with *Mukherjee*. Consequently, reconsideration and withdrawal of the rejections under 35 U.S.C. §103 are in order, and a notice to that effect is requested.

Independent claim 35, and dependent claims 36, 37 and 39 were rejected under 35 U.S.C. §103(a) as unpatentable over *Alperovich* in view of *Mukherjee.*

Claim 35 is also patentable over the combination of *Alperovich* and *Mukherjee* due to the failure of these references to teach a device in which the step of "transmitting [a] delivery report to the originator of [a] message only when [the] originator of [the] message is permitted to receive the delivery report" is performed. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §103 are in order, and a notice to that effect is requested.

Independent claim 12 is the system claim associated with the implementation of independent method claim 1. Accordingly, independent system claim 12 is patentable for the reasons discussed above with respect to the combination of *Alperovich*, *Mukherjeei* and/or *Byers*.

Dependent claims 10, 22, 27, 33 and 38 were rejected under 35 U.S.C. §103(a) as unpatentable over *Alperovich*, and further in view of U.S. Patent No. 6,732,273 ("*Beyers*").

Byers has been cited by the Examiner to provide what *Alperovich* lacks, i.e., a multimedia message, as recited in dependent claims 10, 33 and 38. *Byers* relates to a system that assigns a message characterization code to an electronic mail message that enables the router as well as the destination message server to more efficiently process the electronic mail message, based upon the message characterization code (see col. 1, lines 8-13). However, *Byers* fails to cure the deficiency of *Alperovich* and/or *Mukherjeei*, since *Byers* also fails to teach or suggest anything to do with restricting delivery reports. In view of the foregoing, dependent claims 10, 33 and 38 are patentable based on their dependency on independent claims 1, 12 and 35, respectively. Therefore, reconsideration and withdrawal of the all rejections under 35 U.S.C. §103 are in order, and a notice to that effect is requested.
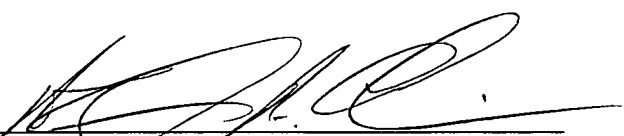
In view of the patentability of independent claim 1, 12 and 35, for the reasons set forth above, dependent claims 2-5, 8-11, 14-17, 20-23 and 37-39 are also patentable over the cited prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

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Respectfully submitted,

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